

Integrity Management and the Public Service Ethos in the UK: patchwork quilt or threadbare blanket?

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Abstract

This paper focuses on the nature of integrity management in contemporary UK public life. Despite traditionally high standards of integrity in the public service, it has recently been argued that the UK's National Integrity System resembles a patchwork quilt of poorly defined institutional roles, questionable independence, and contested notions of how best to disseminate and uphold ethical practice. The paper traces how a relatively enduring characteristic known as the British public service ethos (PSE), which places emphasis on informal codes of conduct and moral integrity, has evolved within broader systemic changes to the style of public service delivery. It is argued that pressures to decentralise public service delivery sit in tension with, and feed into, piecemeal attempts to centralise and codify integrity management. This dynamic is presented in terms of the tension between a compliance-based and a values-based approach to integrity management.

The paper is structured in three parts. The first part traces the evolution of the British public service ethos, tracing continuities and changes, in order to situate integrity management in both its institutional and structural context. The second part engages with recent academic debates and recommendations from key bodies such as the Committee on Standards in Public Life (CSPL) and the House of Commons Public Administration Select Committee (PASC). It is shown how recommendations to create independent statutory bodies of ethical oversight have not been fully implemented. The third part seeks to place the UK experience within the broader literature surrounding National Integrity Systems and New Public Management. In doing so the paper reflects on ways we can understand the concept and application of integrity management within and beyond the UK experience.

Introduction

The Constitutional Reform and Governance Act of April 2010 'puts the Civil Service and its core values of integrity, honesty, objectivity and impartiality on a statutory footing. It means that there can be no changes to core Civil Service values and principles without Parliamentary scrutiny and approval. With few exceptions, appointments to the Civil Service must be made on merit and on the basis of fair and open competition.' (Civil Service 2010). The new Act was warmly welcomed by the Cabinet Secretary, Gus O'Donnell, who commented 'These values represent what is best about the Civil Service and that is why this element of the Constitutional Reform and Governance Act is so important.' (*ibid.*) In the words of Dame Janet Parakeva, the First Civil Service Commissioner, 'It is a truly historic moment and one which secures the impartiality of the Civil Service and the independence of our role' (*ibid.*).

Without question, the 2010 Act represented a very significant moment in the development of the UK's approach to integrity management. Yet it also added to an increasingly confused picture. There are now at least fifteen different bodies operating at national level which could be seen as ethical watchdogs in the UK (see Table 1), with separate arrangements covering Scotland and Wales. In the words of the Public Affairs Select Committee 2007 report, *Ethics and Standards: The Regulation of Public Life*:

The British system of public administration contains a range of bodies at arm's length from government which are intended to ensure that government is properly carried out. Their functions vary widely. Some, like the National Audit Office or the Audit Commission, are concerned with the propriety and efficiency of expenditure. Some deal with administrative propriety, such as the Parliamentary Commissioner for Administration (the Parliamentary Ombudsman) and the Civil Service Commissioners. Others deal with wider ethical matters. Indeed, it is sometimes hard, or even impossible, to identify the distinction between the ethical and the administrative. (...) There is no easy way to capture what is meant by "ethics" in government (PASC 2007: 5).

Moreover, some of these bodies are statutory whilst others are not. The 2004 *Transparency International UK Study Report* remarked how 'at present the regulatory landscape is confusing, being described to us as, variously: "a patchwork quilt"; "a multi-piece jigsaw"; and "a game of chess"' (TI 2004: 63).

Two questions naturally arise. First, why does the UK have such a confused integrity management structure? Second, why is such a complex structure necessary at all, given the much-vaunted public service ethos which has characterised public administration in the UK. To answer these questions, we need to look not only at the specificities of the UK approach to public service, but also how these relate to wider international developments in regard to integrity management. Of particular importance has been the widespread adoption of a style of public service organisation and delivery known as 'New Public Management' (NPM), characterised by performance-based, entrepreneurial management, alongside competitive tendering of public service contracts, and efficiency drives through privatisation, downsizing, and decentralisation. NPM has been said to constitute a paradigm shift from public sector bureaucracy towards entrepreneurial government (Osborne and Gaebler 1992), creating new conflicts between private sector values and the traditional roles, responsibilities and standards of the public sector (Doig and Wilson, 1998). NPM is an international trend reflected in changes in the size, role and functions of the state, a fundamental restructuring that requires a corresponding integrity and ethical framework for public servants (Horton 2006).

The UK's approach to public service ethos, associated with a commitment to working for the public interest (John and Johnson 2008: 106) has historically developed through a less rule bound and codified system of conduct than exists in many other jurisdictions. However, the combination of pressures for change consequent upon NPM reforms, and declining public trust in the UK's machinery of government following a series of political scandals which seemed to gain particular momentum from the early 1990s, has challenged that traditional approach.

It is the argument of this paper that the confused structure of the regulatory landscape in the UK reflects a tension between values-based and compliance-based approaches to ensuring integrity. Values-based public management is based upon integrating integrity into human resources management, creating an ethical climate, drafting codes of conduct, and providing employees with moral awareness training (Anechiarico and Goldstock 2007). Compliance-based public management, on the other hand, entails adherence to 'clear rules and procedures' (Huberts *et al.* 2006: 282). These procedures are set and formalised, they involve systems to monitor and detect violations, and give special actors, such as an Ombudsman, powers to investigate allegations. Moreover, it is further argued that key reforms to the integrity management framework have been piecemeal and reactive, often prompted by specific scandals or events, rather than developed in a comprehensive and integrated manner.

Integrity Management in the UK: from complacency to crisis?

Historically, the United Kingdom has long been regarded as exercising high standards of integrity within public life. Indeed, as Moore and Smith (2007: 3) point out, the classic work by Almond and Verba (1963) described Britain as possessing the 'ideal civic culture': open, consensual, and free of corruption, with active and informed citizen participation in political life. Ethical standards in public life were generally deemed to be exemplary, with isolated scandals such as Stanley (1948), Profumo (1963), and Poulson (1972) being dealt with swiftly and appropriately. In particular, the civil service was noted for its commitment to core values of integrity, honesty, objectivity and impartiality, the enduring hallmarks of a professional system established following the 1854 Northcote-Trevelyan report. The 'Haldane model', based on the report of that name published in 1918, prompted the development of close, or even indivisible, relationships with departmental ministers, another characteristic of the British civil service which set it apart from other democracies. As recently as 1997, Andrew (now Lord) Adonis observed that

The UK is widely seen as the model of the non-corrupt industrial democracy. It certainly sees itself that way. (Adonis 1997: 103)

Such a view, though, has come under increasing challenge in recent years, after a string of political scandals engulfed successive governments. The emergence of these scandals has been coterminous with the development of what Hood and Lodge (2007) have termed 'civil service reform syndrome', a trend which emerged under the Conservative administration of 1979-97, and continued with the Labour governments of 1997-2010.

The precursor to many of these reforms was the 1968 Fulton Report, which had identified various shortcomings in the civil service, including too few skilled managers, an over-representation in senior posts of 'generalists', and a lack of opportunities for scientists, engineers and other specialists. However, it was not until over a decade later, under the Financial Management Initiative (1982) which followed the establishment of Sir Derek Rayner's Efficiency Unit, that real managerial

reforms started to be implemented. Other reforms included the Next Steps initiative (1988), Continuity and Change (1994), Taking Forward Continuity and Change (1995), the creation of a Senior Civil Service and promulgation of the Civil Service Code (1996), the Modernising Government Initiative (1999), the creation of a Delivery Reform Team (2001) and Performance Partnership Agreements (2003), the publication of 'Civil Service Reform – Delivery and Values' (2004), the Lyons Review (2004), the Gershon Report (2004), the Professional Skills for Government Programme (2004), Departmental Capability Reviews (2005), and the announcement of a Civil Service Bill under the premiership of Gordon Brown which culminated in the Constitutional Reform and Governance Act (2010), passed in the dying days of the outgoing Labour government.

It is now generally accepted that the restructuring of the public sector – involving privatisation, contracting out, market testing, cost awareness, consumer choice, performance-based management and ultimately the break-up of a unified civil service – undermined the public service ethos upon which integrity management had traditionally relied. Managerialism and market-driven provision of public services were first imposed by the Conservative administration of Margaret Thatcher, but continued by New Labour under Tony Blair. McHugh (1998, 54) questioned the feasibility of such radical changes to the existing organizational culture given the way the majority of employees had been socialized within the old culture, which encouraged institutional inertia. Yet even though the legitimacy and efficacy of the old approach 'was becoming more and more out of tune with the prevailing values in society' (Vandenabeele and Horton, 2008, 18), there was a reluctance to abandon the belief in a continued public service ethos.

A significant element of continuity in the approach adopted by both Conservative and New Labour administrations to ethical standards in public life lay in their shared belief that it was simply a small number of individuals who engaged in misconduct, 'thus avoiding looking in detail at structural changes or unfolding social and other trends' (Doig, 2006: 18). One way in which an idealised notion of the PSE has persisted, therefore, is in the tendency for misconduct to be individualised – the problem lies in personal character (agency) rather than in the underlying organisation of the institutions at stake (structure). However, the Labour government did begin to cast ethical conduct in different terms, seeing it as relating less to the tensions between public office and private benefit than to the *delivery* of public services, and value for money. Such an approach, which privileges the power of individuals and the market over a notion of the collective public interest, ironically finds its origins in the philosophy of the 'New Right' (Elcock, 2006).

It is important not to equate these reforms of the civil service and the public sector directly to the emergence of political scandals. None the less, the reforms did disrupt the traditional organising ethos of the British civil service and helped to create the *impression* of a changing landscape in which unethical behaviour was becoming more widespread. In part, such scandals reflected an increased focus on corruption in the post-Cold War world, driven by the turmoil generated as a result of a rapidly changing world order (Heywood and Krastev 2006); but in part, too, they reflected a genuine weakening of the traditional sense of propriety which had characterised British public service. John Major's ill-judged 'Back to Basics' campaign of 1993, which ironically heralded a veritable slew of scandals involving members of the Conservative party, already signalled a deep concern that ethical standards and 'common-sense British values' had come under threat:

We live in a world that sometimes seems to be changing too fast for comfort. Old certainties crumbling. Traditional values falling away. People are bewildered (Major 1993).

The world certainly was changing, and one by-product of that change was an increased focus on the process of governance. People may have been bewildered; but they were also becoming mistrustful and even cynical about the way in which politics was being conducted. From being rare occurrences, scandals now started to look almost commonplace. Of an admittedly journalistic, but none the less reasonably comprehensive, list of the 'top 50' political scandals in the UK published by *The Spectator* in July 2009, fully 37 took place after 1980.

Values-based and compliance-based approaches

John Major's comments were made in the context of a growing climate of 'sleaze' around the Conservative government (Doig and Wilson 1995: 21-2). A series of high-profile scandals, many involving the private lives and sexual peccadillos of prominent Conservatives, but also including others more damaging in terms of public integrity (particularly 'cash for questions'), prompted Major to establish the Committee on Standards in Public Life (the so-called Nolan Committee), charged with examining 'concerns about standards of conduct of all holders of public office'.

The CSPL 'sits at the apex of a large and growing, and costly, set of bureaucracies regulating the conduct of public servants in virtually all spheres of public life' (O'Toole, 2007, 113). It has been a high profile advisory body, meeting monthly and issuing a range of influential reports on various aspects of public life (such as the funding of political parties, standard of conduct in local government, MPs' allowances, and so forth) as well as reporting annually to the Prime Minister. The CSPL has tended to favour a values-based approach to public integrity, with a strong commitment to the UK's public service ethos captured in the so-called Seven Principles of Public Life (often called the Nolan principles, after the Committee's first Chair, Lord Nolan):

Selflessness – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership – Holders of public office should promote and support these principles by leadership and example.

These Nolan Principles apply to all aspects of public life, and have become the central guiding framework for all public sector activities; referenced in virtually all reports produced by the CSPL. For instance, the Committee's tenth report, on Implementing Standards of Conduct in Public Life, concluded that

Embedding the Seven Principles of Public Life into organisational culture is a common thread that runs through this report. (...) However intangible the issue of culture appears, the Committee believes that it is critical to delivering high standards of propriety in public life in a proportionate and effective manner (CSPL 2005: 91-2).

Nolan's reforms were thus designed to work within the framework of institutional opinion, continuing within the traditions of the UK's public service ethos. In part this can be explained by the fact that statute had rarely been a favoured option to establish ethical standards in the UK. Partly as a result of this, the managerial reforms associated with NPM were not accompanied by relevant constitutional reforms, giving rise instead to piecemeal and often reactive legislation. Recommendations were made, from various public bodies, in response to specific events or scandals, with little thought about how they related to the wider landscape of 'watchdogery' (Gay and Winetrobe 2008).

Building upon the Nolan Principles, the Office for Public Management (OPM) and the Chartered Institute of Public Finance and Accountancy (CIPFA), in partnership with the Joseph Rowntree Foundation, established The Independent Commission on Good Governance in Public Services, which worked throughout 2004 to produce the report, *The Good Governance Standard for Public Services* (OPM and CIPFA 2004). The role of the Commission was to develop a common code and set of principles for good governance across public services. According to the Report, good governance entailed the following six principles:

- focusing on the organisation's purpose and on outcomes for citizens and service users
- performing effectively in clearly defined functions and roles
- promoting values for the whole organisation and demonstrating the values of good governance through behaviour
- taking informed, transparent decisions and managing risk
- developing the capacity and capability of the governing body to be effective
- engaging stakeholders and making accountability real

The Report suggests a certain amount of self-examination about the values of public service, again reflecting a values-based rather than a compliance-based approach:

We call on governing bodies to report publicly on the extent to which they live up to the Standard, and explain why and how they have adapted any of the principles and their applications to suit their type and size of organisation. In doing so, we ask organisations to demonstrate the spirit and ethos of good governance, which the Standard aims to capture and which cannot be achieved by rules and procedures alone (OPM and CIPFA 2004: 2).

Although it proposed a more consistent legal framework governing propriety and accountability of public bodies (Doig, 2006, 17), the Independent Commission's report did not resolve the impasse of ethical management in the UK, and instead echoed the view in the original CSPL report of 1995 that 'a return to the age of austerity' was necessary to uphold ethical standards.

In the words of the House of Commons Public Administration Select Committee's Fourth Report (2007):

The Committee on Standards in Public Life (CSPL) has been instrumental in encouraging the codification of most of the conventions and understandings under which the traditional framework for standards operated; and in successfully recommending a number of new bodies which should police them, in particular the Parliamentary Commissioner for Standards, the OCPA and the Electoral Commission.

However, there have been increasing criticisms voiced about the functioning, coherence and efficacy of the CSPL. In the same Report, the PASC noted uncertainty about the CSPL's developing role, and that its direct reporting line to the executive had turned into a constraint on its activities, rather than acting as an advantage as had been the case when the Committee was first set up. Moreover, its budgetary dependence served as a further constraint. The former chairman, Sir Alistair Graham, revealed in his oral evidence to the PASC that the CSPL's offers to look at business appointments, honours and party funding had been refused by No 10. In addition, the PASC 'considered it inappropriate that any body fulfilling the remit of the CSPL - that of an 'ethical auditor' - should be subsumed into a body consisting of those it might have to examine. Its solution was a new Public Standards Commission, established by statute, to promote and protect ethical watchdogs. At the minimum, this would recognise that a permanent form of oversight was necessary. A Commission would reflect and encourage the collegiate character of the constitutional watchdogs, and provide a framework for coherent development of the regulatory system' (Gay 2008: 24).

The Public Affairs Select Committee, thus, took a rather more compliance-based view than had the CSPL or the Independent Commission on Good Governance. The PASC, like the CSPL, has a particular interest in integrity management and ethical standards in public life. It has explored, amongst others issues, the role of special advisers (PASC 2001), patronage within the state (PASC 2003), the ethical organisation and conduct of key institutions for Government and Parliament (PASC 2007), lobbying and access in Whitehall (PASC 2008), and whistleblowing in Whitehall (PASC 2009).

The 2003 report, *Government by Appointment: Opening up the Patronage State*, looked into how appointments are made to a variety of public bodies. The report identified a far greater range of public bodies than those given as the official figures in the Cabinet Office publication, *Public Bodies 2002*. There were 300 executive non-departmental public bodies (NDPBs) and over 530 advisory NDPBs in central and devolved government, more than 5,300 local quangos and 2,300 local partnerships, boards of action zones and so forth (PASC 2003, *Paragraph 9*). It was found that only 1,163 out of 1,375 central government bodies (as listed in *Public Bodies 2002*) are regulated by the Office of the Commissioner for Public Appointments (OCPA), meaning 212 bodies, or 15 per cent, are not independently regulated (PASC 2003, *Paragraph 20*). Also many bodies (for example, the Civil Service Commissioners, the Electoral Commission, the Financial Services Authority, the Parades Commission in Northern Ireland and Partnerships UK) were not classified as NDPBs and therefore not subject to any independent regulation, raising significant questions about their accountability.

The role of ethical regulators was addressed directly in the inquiry and report, *Ethics and Standards: the Regulation of Conduct in Public Life* (PASC 2007). The report called for action to ensure the independence of the ethical regulators who scrutinise standards of behaviour in public

life, appointments to public office and ministers' acceptance of posts in business after leaving office. Unlike the CSPL, the PASC has been more robust in criticisms of and recommendations to Parliament, largely advocating a compliance-based model of integrity management. The PASC has always been a strong advocate of a Civil Service Bill, drafting its own version in 2004. And whilst welcoming plans to put the Civil Service Commission and House of Lords Appointments Commission on a statutory footing, the PASC observed that these moves 'suggest a piecemeal and potentially inconsistent approach' to the issue so long as the other watchdogs (such as the CSPL, Public Appointments Commissioner and Business Appointments Committee) continued to be sponsored by the Cabinet Office. Ethical regulation, it argued, was conducted by an illogical and unplanned patchwork of unconnected bodies, of various institutional designs, with budgets which vary from £164,000 to over £65 million (House of Lords Appointments Commission and the National Audit Office respectively). Reflecting upon their research with civil servants, concern was expressed about the confusion and overlap between regulators, the extent to which regulators were properly embedded in the constitutional system, and the effect of regulation on public trust (PASC 2007, 12). Moreover the increase in regulatory activity and the codification of ethical rules 'has served to shift the common understanding of the role of government, Parliament and the civil service with regard to the conduct of public life. The significance of this fashion for code making has been described variously as either a written-down form of what civil servants had always understood or "constitution-making by stealth"' (*ibid.*). The PASC concluded that the time had come to recognise that the machinery of ethical regulation was an integral and permanent part of the constitutional landscape.

In the broader context of its recommendations, the PASC argued that there is 'scope for a more collegiate model' (PASC 2007, paragraph 88) of ethical regulation. This would involve a College of Regulators being overseen by a Public Standards Commission, created by statute, 'to undertake a sponsoring role of appointing, funding, staffing and auditing the college' (paragraph 111). Such a College would facilitate an appropriate governance partnership between parliament and the executive as an acceptable and effective option when discharging the sponsorship role for core constitutional watchdogs (Winetrobe 2008: 118). This form of cooperation, the PASC suggested, could operate, not via parliamentary officers of parliament committee as seen in many Commonwealth countries, but through some sort of free-standing, statutory commission at arm's length from both parliament and government: 'We favour the "statutory commission" model to undertake, on behalf of both Parliament and government, the sponsoring body functions we have described, thereby leaving Parliament to fulfil its proper constitutional scrutiny and oversight role, and the watchdogs themselves the appropriate balance of independence and accountability to enable them to carry out their work properly' (PASC 2007: para 112).

However, the actual functioning of the proposed Public Standards Commission, and its relationship to the accountability framework involving Parliament, was left unresolved by the PASC. And the Government's response – the independence of the ethical regulators 'is not in question' – was at loggerheads with the views of the Select Committee (PASC 2007b). In addition, the watchdogs themselves did not show much enthusiasm for more parliamentary scrutiny and control, fearing that parliamentarians would inevitably start to challenge their decisions on individual cases. The issues raised in the 2007 Report did not go away. In 2009, whilst still awaiting the Government's response in full, a follow up report by the Select Committee (PASC 2009a: 4) reaffirmed its position that 'it is unacceptable and incompatible with genuine independence for the ethical regulators, which were created to regulate government, to be appointed by government and funded by government. We therefore urge the Government to adopt a coherent and principle-based approach to ethical regulation that is designed to secure the independence of ethical regulators from the Executive'. Indeed, the proliferation of watchdogs causes confusion and inconsistency, and piecemeal arrangements for individual bodies store up problems for the future.

Nevertheless, some watchdog design details were clarified as a result of the 2007 report. The principle of single long, but non-renewable, terms of office was generally accepted. The Government response announced that future appointments of the First Civil Service Commissioner, the Commissioner for Public Appointments, and the Chairs of the Advisory Committee on Business Appointments, the Committee on Standards in Public Life and the House of Lords Appointments Commission would each be made for a single non-renewable term. The appropriate length appeared to be five years. The Government also announced that two Cabinet Office watchdogs would achieve statutory status, the Civil Service Commission and the House of Lords Appointments Commission, promises which were made good (ironically via the parliamentary 'wash-up' period¹) in the 2010 Constitutional Reform and Governance Act.

The 2010 Act to some extent reflects the tension between values-based and compliance-based approaches to integrity management outlined above. The Act, which is very wide-ranging and covers the Civil Service, parliamentary standards, and the tax status of MPs and Members of the House of Lords, among other things, re-established the Civil Service Commission, which had been abolished in 1991 and replaced by Recruitment and Assessment Services and the Office of Civil Service Commissioners. It also stipulated that a Civil Service Code, approved by Parliament, must be published and that all civil servants must carry out their duties with integrity, honesty, objectivity and impartiality (although the latter two conditions do not apply to special advisers). According to the Act, civil servants may complain to the Civil Service Commission if they suspect breaches of the code. However there are some important limitations to this oversight role, since the Act does not authorise the Commissioners to initiate inquiries without receiving a complaint. It is likely that civil servants will be hesitant about launching an official complaint, given the possible impact on their career path. Part of the Act also clarified relations with special advisers. Whilst they need not be appointed on merit or on the basis of open competition, they must like permanent civil servants carry out their duties with honesty and integrity, their numbers must be reported annually, and they may not authorise expenditure, nor exercise management or other power.

Integrity Management in an International Perspective

Whilst the specific development path of the UK and the reactions of various governments can, in part, be explained by reference to the particular cultural and political evolution of the notion of a public service ethos, it is also the case that some of the drivers of change are not just national:

....intensifying global competition has brought about a fiscal crisis in developed states necessitating public sector economies, privatisation, outsourcing, re-engineering and the like. Accordingly, we have seen in most developed countries the emergence over the last decade of the New Public Management. So far as such countries are concerned, public administration, may be in the process of becoming a relic of the past (Theobald, 1998, cited in Doig 2006, 20-21).

¹ The 'wash-up' is the period between the announcement of an election and the dissolution of parliament, when outstanding bills and other statutory instruments are passed. It relies on negotiation between government and opposition parties (which effectively have a veto), but has been criticised for curtailing the time available for proper parliamentary consideration. Precisely this point was made in relation to the 2010 Act by the House of Lords Constitution Committee, which commented 'we consider it to be extraordinary that it could be contemplated that matters of such fundamental constitutional importance as, for example, placing the civil service on a statutory footing should be agreed in the "wash-up" and be denied the full parliamentary deliberation which they deserve. This is no way to undertake the task of constitutional reform' (House of Lords 2010).

NPM is thus an international trend. Carr (1999: 7) has argued that the three core components of NPM (marketisation, disaggregation, and incentivisation) have undermined the normative code which encouraged civil servants in the UK to set aside personal interests and work altruistically for the public good. But in all countries where NPM reforms have been introduced, marketisation and the development of contractual relationships between civil servants and outside providers have increasingly raised questions about unethical behaviour and corruption. The introduction of competition for government contracts through marketisation has multiplied the opportunity for favouritism and even bribery – a common theme underpinning corruption scandals related to privatisation processes (Heywood and Krastev 2006). Disaggregation entails the de-coupling of policy and executive/delivery function, thereby creating a much more heterogeneous civil service.

One result of the increased concerns about unethical behaviour and corruption amongst public servants has been the emergence of a global focus on integrity management. Since the beginning of the 1990s, 'ethics management' or 'integrity policy' has become a genuine policy area (Behnke and Maesschalck 2006). The logic at the heart of the notion of such a policy is that the 'compliance' approach to ethics management should be complemented by an 'integrity' approach. An integrity system is the practical effort – based on insights derived from theory and analysis – to combine law enforcement and motivation in an integrated system of rules, values, guidelines and socialization mechanisms. It is an effort to meet the complex task of rooting integrity reliably within the public sector. In order to achieve this ambitious goal, according to Behnke and Maesschalck (2006: 266), it is necessary to acquire an understanding of relevant *values*, of corruption curbing *institutions*, of the *nature of situations* in which corruption is likely to emerge, and of the way in which these three elements *interact* with each other.

The idea of a National Integrity System (NIS) emerged in the late 1990s, promoted primarily by Transparency International (TI) as part of its anti-corruption campaign. It is conventionally pictured as a Greek temple (Pope 2000: 35-37), with a series of pillars supporting the overarching structure of national integrity. These pillars encompass crucial institutions, sectors, or activities, including such things as the political will to fight corruption, an active parliament, an auditor general as financial watchdog, an attorney general as guardian of the public interest, protection of public decision-making processes, an independent judiciary to protect the rule of law, an ombudsman, independent anti-corruption agencies, adequate public procurement procedures, accounting and financial management, a private sector operating within the law, and public awareness developed through an independent media, civil society and international organisations supportive of ethics and integrity. Establishing and strengthening such an integrity system requires identifying opportunities for reinforcing and utilizing each of these pillars in the fight against corruption.

Given the particular circumstances in which British integrity management strategies have emerged, without clear constitutional structures and a persistent individualisation of what are emerging as systemic tendencies, the traditional Greek temple metaphor does not seem an appropriate metaphor for the UK system. A potential alternative is the framework that has emerged from the Australian National Integrity System Assessment (NISA) project (also sponsored by TI) which replaces Pope's Greek temple metaphor with that of a bird's nest. It is argued that whilst integrity system theory rightly emphasises the role of mutually supportive institutions, it has had little to say about the way in which key institutions interact and change to maintain integrity. Given that the main theoretical explanation of system effectiveness hinges on a relationship of a multiplicity of institutions – cast in terms of horizontal accountability – this 'provides as much reason for integrity bodies to remain separate and sometimes to conflict as it does for them to work cooperatively' (Sampford et al 2005: 96). Striving for a more interdependent and network based representation, the image of a bird's nest is suggested,

in which institutions and relationships, often weak individually but collectively potentially strong, combines to protect and promote a fragile good 'public integrity'. In conclusion we recommend this theoretically and empirically grounded image as a fruitful way of conceiving and understanding integrity systems and a basis for more in-depth empirical analysis and institutional development in Australia and overseas.

Constitutional interrelationships between ethical watch dogs, therefore, are seen as being based on mutual accountability, 'because "horizontal" implies an equality of legal and/or political power between institutions that is typically absent' (*ibid.*: 98).

It is argued that to map relations between the various integrity 'pillars' in a practical sense requires being able to recognise and differentiate between a triad of relationship types: constitutional, policy, and operational. Thus in the UK context there would be a plethora of policy and operational relationships given the burgeoning of *ad hoc* ethical watchdogs, but significantly fewer constitutional relationships because of the slow pace at which the ethical framework has achieved a statutory footing. Thus a horizontal relationship between regulators, with clear and equal legal status, is notably absent in the UK context which helps to explain the vacillation between compliance-based and values-based approaches to the contemporary management of UK public sector integrity.

A third approach and an alternative to TI's National Integrity System has been proposed by the NGO, Global Integrity (www.globalintegrity.org). Established in the early 2000s, Global Integrity has become a significant international player in the field, largely on account of its innovative Public Integrity Index, which it is argued

measures something positive rather than negative (integrity rather than corruption) and does so through methods that are meant to be as transparent and as objective as possible. The focus throughout is on measuring the existence in law (*de jure*) and the effectiveness in practice (*de facto*) of institutions and practices that can help to control or reduce existing corruption, prevent future abuses of power, and promote more effective governance (Camerer 2006: 154).

The Index sees public integrity systems as the positive 'flipside of corruption' which can help keep public officials honest and accountable. The Index is based, therefore, on the assumption that the greater the presence of public integrity systems the less likely corruption is to be prevalent. The Index does not measure corruption, but maps the 'public integrity "topography" of a given country, revealing peaks and valleys when it comes to checking and preventing the abuse of power' (*ibid.*: 156). Rather than give scores, it aggregates its findings into a range of indicators covering six broad areas (civil society and the media; electoral systems and parties; executive, legislative and judicial accountability; civil service regulation and management; national audit systems; and anti-corruption mechanisms). Unfortunately for the purposes of this paper, Global Integrity has not yet undertaken an analysis of the UK. However, in the light of its approach, the UK system would appear reasonably strong in relation to local government and, following the 2010 Act, the civil service where statute now exists, but less so in regard to ministers and members of parliament, where it does not.

Similarly, in looking at issues of integrity and ethics in public service across Western European countries, Bowman and West (2008) draw upon the role and influence of 'political exchange' and 'civic culture' as operating principles in the public service. The former is premised upon contacts, favours, and jobs in exchange for political support – an approach susceptible to corruption because it can easily degenerate into cronyism and waste. The latter, civic culture, is an approach in which the commonweal is the central value; it is based upon universally applicable rules,

equal treatment, professional ethics and stewardship of public resources – public good rather than personal gain is the motive. All liberal political systems inevitably entail a combination of the two approaches, but the emergence of ‘New Public Management’ has instigated a challenge to civic culture with a profound shift across most European democracies towards greater emphasis on political exchange. Whilst acknowledging that generalizations about the nature of civil service reform across the European context is difficult, Bowman and West (2008) suggest that converging organizational structures and guiding principles can be identified – especially through a North/South distinction in Western Europe. The distinction they identify is between an ‘employment system’ and a ‘career system’ in the civil service. The former, prevalent in northern Europe, is modelled on the private sector as special skills are hired for specific posts and lack job security. The latter, prevalent in Italy, Spain, Portugal and Greece, is composed of civil service jobs for life with stable employment and job protection. The risk of civil service politicisation is said to be greater in the employment system where a premium is placed on loyalty to the government in power.

However, the risk of politicisation does not necessarily derive from permanency in the civil service. The flexibilisation and ending of tenure for UK civil servants has also been accompanied by the growth in special advisers, appointed by and loyal to certain ministers without the need to act with impartiality and objectivity. Indeed, a key area of concern in the UK has been a growing politicisation of the relationship between government ministers and the senior civil service, which has gathered pace since the Conservative administrations of 1979-97, and reached its apogee under the so-called ‘sofa-style’ of government under Tony Blair. Sofa government was characterised by an informal style of policy making in which, according to its critics, experienced civil servants were bypassed in favour of politically-appointed policy advisers, who rode roughshod over long-established procedures and ignored constitutional safeguards. In the words of O’Toole (2007, 123), the policy roles previously held by civil servants have been

taken over by other groups, for example ‘think-tanks’, policy ‘czars’, policy ‘task forces’ and, perhaps most importantly, special advisers. These changes have led to greater formalization of ethics requirements for civil servants and less reliance on traditional approaches based on an ‘ethos’ of public service.

Although the 2010 Act defined the role and number of special advisers, their activities continue to be the source of controversy under the new Coalition Government. Thus, it could be argued that we are witnessing a process of politicisation of central government alongside the privatisation of the peripheries. That is to say, a distinction now exists between political tasks (those in the minister’s purview) and managerial tasks (day-to-day administration) or ‘in other words, steering was decoupled from rowing’ (Bowman and West, 2008, 188).

Concluding remarks

Recent trends within the civil service, involving the creation of new bodies through the devolution both of tasks and responsibilities, inevitably raise questions about accountability (O’Toole, 2006, 44). However, new accountability measures developed in the UK have their roots in a ‘positivist approach’ which assumes ‘the complexities of service provision can be broken down and definitively assessed on measurable performance indicators’ (Clark, 1996, 24). This kind of quantitative approach sits uneasily with a sector that historically has been guided by principles such as impartiality, trust, and fairness that are inherently qualitative in nature. In fact, it has been argued that ‘when checks are applied as a surrogate for virtue and trust, then they become dysfunctional’ (Barberis, 2001, 121). For Dawn Oliver, in evidence to the Public Affairs Select Committee, the very

'existence or creation of watchdogs signals the collapse of a trust based system and also a loss of belief in the trustworthiness of civil servants etc. If trust and trustworthiness have broken down watchdogs may be able to counteract unethical selfish activity by those providing public services, but in doing so will generate even more mistrust and possibly unethical behaviour and legalism—focus on the letter rather than the spirit of the rules—if the person thinks they can get away with it' (PASC 2007: 7). Indeed, Barberis (ibid, 124) argues that 'there should be a retreat from the excess of audit trails and "management by numbers" that are often self-defeating within their own confines and corrosive of the public service ethos'. On the other hand, Carr (1999, 5) has also pointed out that we can no longer rely on 'old fashioned' public service values; instead, external monitoring and legal sanctions – compliance-based measures – are needed as a surrogate for subjective responsibility. Thus, if the qualitative essence of the public sector has changed, so too must the mechanisms of measurement, control, and oversight.

The 2010 Constitutional Reform and Governance Act represents an attempt to institutionalise core integrity values, but the capacity to do so may not be present given the gradual reconfiguration of the public service architecture. It remains to be seen how, and if at all, the values and traditions of the British public service ethos can be institutionalised, especially when the very structure and functioning of public life has qualitatively changed. Thus if the PSE was a particular moment of elite institutionalised values, its dismantling may reflect not so much the decline of standards *per se* but a re-orientation of what constitutes standards in the public sector.

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Table 1: Ethical watchdogs in the UK

	Body	Recent activity of note
C&AG	Comptroller and Auditor General (Core – Statutory)	Scandal of extensive overseas expenditure and lack of independent regulation led to adoption of new corporate governance structures following the 2007 Tiner report.
Ombudsman	Parliamentary and Health Service Ombudsman (Core – Statutory)	Concern over the constitutional role of the office: ‘an adjunct of representative democracy’ or an ‘agent of more direct accountability to the people.’
IC	Information Commissioner (Core – Statutory)	Calls to make the IC an Officer of Parliament due to conflict of interest over level and source of funding
EC	Electoral Commissioner (Core – Statutory)	CSPL argued it has been too timid on regulatory functions; MPs argued it lacks practical experience of politics to be effective.
CSPL	Committee on Standards in Public Life (Cabinet Office – non statutory)	The ‘PASC considered it inappropriate that any body fulfilling the remit of the CSPL - that of an ‘ethical auditor’ - should be subsumed into a body consisting of those it might have to examine.
CSC	Civil Service Commissioners (Cabinet Office – statutory)	The Constitutional Reform and Governance Act 2010, put the principles of the civil service in statute ‘It is a truly historic moment and one which secures the impartiality of the Civil Service and the independence of our role’.
PAC	Public Appointments Commissioner (Cabinet Office – non statutory)	The Office of the Commissioner of Public Appointments (OCPA) not included in 2010 reform Act creates inconsistency between watchdogs.
BAC	Business Appointments Committee (Cabinet Office – NDPB)	Elite make up of watchdog criticised, concern for influence of ‘revolving door’ between business and government.
HLAC	House of Lords Appointments Committee (Cabinet Office – non statutory)	In November 2005 it blocked four nominees from membership of the House of Lords, these nominees were amongst those that had given non-declarable loans to political parties.
EHR	Commission for Equality and Human Rights (Statutory – NDPB)	Lord Ouseley, former chair of the Commission for Racial Equality questioned the NDPB model, declared inappropriate Government interference in appointments.
SA	UK Statistics Authority (Statutory – NDPB)	The UK Statistics Authority was established in April 2008 following the Statistics and Registration Services Act 2007 to promote and safeguard the production and publication of official statistics.
JAC	Judicial Appointments Commission (Statutory)	Independent commission that selects candidates for judicial office ‘solely on merit.’ Took the responsibility out of the hands of the Lord Chancellor.
IAMI	Independent Adviser on Ministerial Interests (Non-statutory, personal appointment by PM)	Investigates breaches of Ministerial Code, due to oversight from PM PASC noted with dissatisfaction that: ‘the post of Independent

		Adviser on Ministerial Interests meets very few of the accountability requirements – and none of those associated with independence’
AC	Audit Commission (Statutory)	The Commission advises on best audit practices, monitors the incidence of fraud and corruption around the country and reports on current trends and technical developments.
SE	Standards for England (Statutory)	Created in 2000 in response in response to the Nolan report and high profile standards failings in local government.
PSC	Parliamentary Standards Commissioner (Non statutory official)	8 th CSPL report commented on the lack of a clear legal definition separating Officers of the House, as independent constitutional watchdogs, from employees of the House